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*Draft: August 8, 2019*

**GROUND WATER QUALITY BUREAU (GWQB)  
DISCHARGE PERMIT RENEWAL  
Issued under 20.6.2 NMAC**

**Facility Name:** Alamogordo Public Schools  
**GWQB Discharge Permit Number:** DP-1757  
**GWQB TEMPO AI Number:** 23044

**Permittee Name/Responsible Party:** Alamogordo Public Schools  
**Mailing Address:** P.O. Box 650  
Alamogordo, NM 88311-0650

**Facility Contact:** Justin Burks, Chief of Capital Outlay & Facilities  
**Facility Contact Telephone Number:** (575) 812-6015  
**Facility Location:** 1211 Hawaii  
Alamogordo, NM 88310

**County:** Otero

**Permitting Action:** Renewal

**Permit Effective Date:** TBD  
**Permit Expiration Date:** TBD

**NMED Permit Contact:** Sara Arthur  
**NMED Contact Telephone Number:** (505) 222-9535  
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**MICHELLE HUNTER**  
Chief, Ground Water Quality Bureau  
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**Date**

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**GROUND WATER DISCHARGE PERMIT RENEWAL**  
**Alamogordo Public Schools, DP-1757**

*Draft: August 8, 2019*

**I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-1757, to the Alamogordo Public Schools (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Alamogordo Public Schools (facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in enforcement action by NMED (20.6.2.1220 NMAC).

The activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are briefly described as follows.

Up to 500,000 gallons per day (gpd) of reclaimed domestic wastewater is transferred from the City of Alamogordo Wastewater Treatment Facility (WWTF) and discharged to spray irrigate 65 acres of turf and athletic fields owned by Alamogordo Public Schools. The transfer of reclaimed wastewater is regulated by the Discharge Permit for the City of Alamogordo WWTF, DP-220.

DP-220 limits the City of Alamogordo WWTF to transferring to the Alamogordo Public Schools only Class 1A reclaimed domestic wastewater. Class 1A specific quality levels for reclaimed wastewater are identified in this Discharge Permit.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC.

The school administration office is located at 1211 Hawaii, Alamogordo. The discharge sites are located at College Avenue and 15th Street, Cuba Avenue and 7th Street, Alaska Avenue and 1st Street, and Playa Azul Drive and Santa Cruz Drive, in Sections 17, 20, and 29, Township 16 South, Range 10 East, Otero County. Ground water most likely to be affected is at a depth of approximately 150 - 200 feet and has a total dissolved solids concentration of approximately 2,400 milligrams per liter.

The original Discharge Permit was issued on March 31, 2011. The application (i.e., discharge plan) consists of the materials submitted by Justin Burks on behalf of the permittee dated December 7, 2018 and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that more stringent requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations may be used in this Discharge Permit.

Abbreviation	Explanation	Abbreviation	Explanation
BOD <sub>5</sub>	biochemical oxygen demand (5-day)	NMED	New Mexico Environment Department
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
CFU	Colony Forming Unit	NO <sub>3</sub> -N	nitrate-nitrogen
Cl	chloride	NTU	nephelometric turbidity units
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO <sub>3</sub> -N
LADS	land application data sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	Most Probable Number	WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code	WWTF	Wastewater Treatment Facility

## II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.
3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

### **III. AUTHORIZATION TO DISCHARGE**

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

The permittee is authorized to discharge up to 500,000 gpd of reclaimed domestic wastewater transferred from the City of Alamogordo WWTF to spray irrigate 65 acres of turf and athletic fields (re-use areas) as follows:

- Ray S. McDowell Athletic Field (5.1 acres)
- Alamogordo High School Parcels A, B, and C (20.7 acres)
- Steinhoff/Yucca Soccer Complex (26 acres)
- Mountainview Middle School/Grady Fields (13.2 acres).

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

### **IV. CONDITIONS**

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

#### **A. OPERATIONAL PLAN**

#	Terms and Conditions
1.	<p>The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
2.	<p>The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

***Operating Conditions***

#	Terms and Conditions															
3.	<p>Class 1A reclaimed domestic wastewater transferred from the City of Alamogordo WWTF to Alamogordo Public Schools in accordance with DP-220 shall not exceed the following discharge limits.</p> <table><tr><th>Test</th><th>30-day Average</th><th>Maximum</th></tr><tr><td>Total Nitrogen</td><td>N/A</td><td>10 mg/L</td></tr><tr><td>Fecal coliform</td><td>5 CFU/100 mL</td><td>23 CFU/100 mL</td></tr><tr><td>BOD<sub>5</sub></td><td>10 mg/L</td><td>15 mg/L</td></tr><tr><td>Turbidity:</td><td>3 NTU</td><td>5 NTU</td></tr></table> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>	Test	30-day Average	Maximum	Total Nitrogen	N/A	10 mg/L	Fecal coliform	5 CFU/100 mL	23 CFU/100 mL	BOD <sub>5</sub>	10 mg/L	15 mg/L	Turbidity:	3 NTU	5 NTU
Test	30-day Average	Maximum														
Total Nitrogen	N/A	10 mg/L														
Fecal coliform	5 CFU/100 mL	23 CFU/100 mL														
BOD <sub>5</sub>	10 mg/L	15 mg/L														
Turbidity:	3 NTU	5 NTU														
4.	<p>The permittee shall meet the following general requirements for above-ground use of reclaimed domestic wastewater.</p> <p>a) The permittee shall maintain signs in English and Spanish at all re-use areas such that they are visible and legible for the term of this Discharge Permit. The signs shall be posted at the entrance to re-use areas and at other locations where public exposure to reclaimed domestic wastewater may occur. The signs shall state: <b>NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR.</b> Alternate wording and/or graphics may be submitted to NMED for approval.</p> <p>b) The reclaimed domestic wastewater systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC).</p> <p>c) Above-ground use of reclaimed domestic wastewater shall not result in excessive ponding of wastewater, and shall not exceed the water consumptive needs of the crop. Re-use shall not be conducted at times when the re-use area is saturated or frozen.</p> <p>d) The discharge of reclaimed domestic wastewater shall be confined to the re-use area.</p> <p>e) The discharge of reclaimed domestic wastewater to crops for human consumption is prohibited.</p> <p>f) Water supply wells within 200 feet of a re-use area shall have adequate wellhead construction pursuant to 19.27.4 NMAC. Re-use shall be managed to ensure protection of groundwater quality.</p> <p>g) Existing and accessible portions of the reclaimed domestic wastewater distribution system (with the exception of application equipment such as sprinklers or pivots)</p>															

#	Terms and Conditions
	<p>shall be colored purple or clearly labeled as being part of a reclaimed domestic wastewater distribution system. Piping, valves and outlets that are installed during the term of this Discharge Permit shall be colored purple pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC) to differentiate piping or fixtures used to convey reclaimed wastewater from those intended for potable or other uses. Valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be accessible only to authorized personnel.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
5.	<p>The permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed domestic wastewater prior to discharging to the re-use area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed domestic wastewater delivery system. Backflow prevention shall be maintained at all times.</p> <p>RP devices shall be inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. A malfunctioning RP device shall be repaired or replaced within 30 days of discovery, and use of all supply lines associated with the RP device shall cease until repair or replacement has been completed. Copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program shall be maintained at a location available for inspection by NMED.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>

## **B. MONITORING AND REPORTING**

#	Terms and Conditions
6.	<p>The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
7.	METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.  [Subsection B of 20.6.2.3107 NMAC]
8.	Semi-annual monitoring shall be performed during the following periods and reports submitted to NMED as follows: <ul style="list-style-type: none"> <li>• January 1<sup>st</sup> through June 30<sup>th</sup> – <b>due by August 1<sup>st</sup></b>; and</li> <li>• July 1<sup>st</sup> through December 31<sup>st</sup> – <b>due by February 1<sup>st</sup></b>.</li> </ul> [Subsection A of 20.6.2.3107 NMAC]

### ***Facility Monitoring Conditions***

#	Terms and Conditions
9.	The permittee shall obtain from the City of Alamogordo WWTF copies of the monthly meter readings and calculated volumes of reclaimed domestic wastewater transferred to each re-use area. The monthly meter readings and calculated monthly and average daily discharge volumes shall be submitted to NMED in the semi-annual monitoring reports.  [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
10.	The permittee shall keep a log (copy enclosed) of all additional nitrogenous fertilizer applied to <i>each</i> location within the re-use area. The log shall contain the date of fertilizer application, the type (organic or inorganic) and form (granular or liquid), nitrogen concentration (in percent), the amount of fertilizer applied (in pounds per acre), and the amount of nitrogen applied (in pounds per acre) for each location. The log, or a statement that application of fertilizer did not occur, shall be submitted to NMED in the quarterly monitoring reports.  [Subsection A of 20.6.2.3107 NMAC]

### **C. CONTINGENCY PLAN**

#	Terms and Conditions
11.	In the event that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded in groundwater as a result of this discharge during the term of this Discharge Permit, upon closure of the facility or during the implementation of post-closure requirements, the permittee shall submit to NMED a Corrective Action Plan that



#	Terms and Conditions
	<p>proposes, at a minimum, source control measures and an implementation schedule. The Plan shall be enacted as approved by NMED.</p> <p>The permittee may be required to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
12.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information.</p> <ol style="list-style-type: none"> <li>The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility.</li> <li>The name and address of the facility.</li> <li>The date, time, location, and duration of the unauthorized discharge.</li> <li>The source and cause of unauthorized discharge.</li> <li>A description of the unauthorized discharge, including its estimated chemical composition.</li> <li>The estimated volume of the unauthorized discharge.</li> <li>Any actions taken to mitigate immediate damage from the unauthorized discharge.</li> </ol> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information.</p> <ol style="list-style-type: none"> <li>A description of proposed actions to mitigate damage from the unauthorized discharge.</li> <li>A description of proposed actions to prevent future unauthorized discharges of this nature.</li> <li>A schedule for completion of proposed actions.</li> </ol> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is</p>

#	Terms and Conditions
	<p>required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
13.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

#### **D. CLOSURE PLAN**

##### ***Permanent Facility Closure Conditions***

#	Terms and Conditions
14.	<p>In the event the permittee elects to no longer receive reclaimed wastewater, the permittee shall perform the following closure measures.</p> <p>Within <u>90 days</u> of ceasing to discharge reclaimed domestic wastewater, the permittee shall complete the following closure measures.</p> <ol style="list-style-type: none"> <li>The reclaimed wastewater transfer lines leading to the re-use infrastructure shall be plugged so that a transfer can no longer occur.</li> <li>Wastewater in the re-use infrastructure system components shall be evaporated, or drained and disposed of in accordance with all local, state, and federal regulations, or discharged from the system to the re-use areas as authorized by this Discharge Permit.</li> </ol> <p>Within <u>180 days</u> of ceasing to discharge reclaimed domestic wastewater, the permittee shall complete the following closure measures.</p> <ol style="list-style-type: none"> <li>Remove all lines leading to and from the re-use infrastructure, or permanently plug them and abandon them in place.</li> <li>Remove or demolish all re-use infrastructure system components, and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</li> </ol>

#	Terms and Conditions
	<p>When all closure and requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

**E. GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
15.	<p><b>RECORD KEEPING</b> - The permittee shall maintain a written record of:</p> <ul style="list-style-type: none"> <li>• information and data used to complete the application for this Discharge Permit;</li> <li>• any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;</li> <li>• the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;</li> <li>• facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer;</li> <li>• copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;</li> <li>• the volume of wastewater or other wastes discharged pursuant to this Discharge Permit;</li> <li>• groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;</li> <li>• copies of construction records (well log) for all groundwater monitoring wells required to be sampled pursuant to this Discharge Permit;</li> <li>• the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and</li> <li>• data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: <ul style="list-style-type: none"> <li>○ the dates, location and times of sampling or field measurements;</li> <li>○ the name and job title of the individuals who performed each sample collection or field measurement;</li> <li>○ the sample analysis date of each sample</li> <li>○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li> <li>○ the analytical technique or method used to analyze each sample or collect each field measurement;</li> <li>○ the results of each analysis or field measurement, including raw data;</li> <li>○ the results of any split, spiked, duplicate or repeat sample; and</li> </ul> </li> </ul>

#	Terms and Conditions
	<ul style="list-style-type: none"> <li>○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li> </ul> <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall be made available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
16.	<p><b>INSPECTION and ENTRY</b> – The permittee shall allow inspection by NMED of the facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
17.	<p><b>DUTY to PROVIDE INFORMATION</b> - The permittee shall, upon NMED’s request, allow for NMED’s inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
18.	<p><b>MODIFICATIONS and/or AMENDMENTS</b> – In the event the permittee proposes a change to the facility or the facility’s discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
19.	<p>PLANS and SPECIFICATIONS – In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction.</p> <p>In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
20.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
21.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> <li>• make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;</li> <li>• falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or</li> <li>• fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ul> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of</p>

#	Terms and Conditions
	<p>NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
22.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
23.	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
24.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall:</p> <ul style="list-style-type: none"> <li>• notify the proposed transferee in writing of the existence of this Discharge Permit;</li> <li>• include a copy of this Discharge Permit with the notice; and</li> <li>• deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee.</li> </ul> <p>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility.</p> <p>[20.6.2.3111 NMAC]</p>
25.	<p>PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit</p>

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	<p>effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>